

Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB) Guidance Revised for the Reporting of 2012-13 Results

The purpose of this guidance is to help districts understand the process and procedures of the requirement in No Child Left Behind called Adequate Yearly Progress or AYP. Guidance on all assessments can be found in the A to Z Topic List under Statewide Assessment on the Department's homepage: <http://www.education.ne.gov/assessment/index.html>.

The Nebraska State Accountability (NeSA), Nebraska Student and Staff Record Systems (NSSRS) and the Consolidated Data Collection (CDC) are the official data collections for AYP decisions.

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A. Introduction

A-1. What is Adequate Yearly Progress (AYP)?

As a condition of receiving federal funds under No Child Left Behind (NCLB), all states are required to define a process for identifying groups of students, schools, districts and the State as being in need of improvement. This requirement is called Adequate Yearly Progress or AYP. It is an annual status check of identified data elements to determine whether or not buildings and districts are meeting State AYP progress goals.

A-2. What will it mean if a school doesn't make AYP in No Child Left Behind?

AYP is but one indicator of a school or district's performance. It focuses solely on whether any group of students is meeting the expectations for growth. A school will be able to identify and address the instruction and services for that group of students not meeting the State goals for Adequate Yearly Progress. AYP does NOT mean a "failing school," but it does mean that schools must address the needs of the group of students or subject area that is not showing progress.

A-3. What happens to schools and districts that do not "make" AYP?

The NCLB consequences for not making AYP targets apply only to schools and districts that have a Title I program. The federal law prescribes graduated sanctions for Title I schools beginning with the second consecutive year of not making AYP. Title I schools must provide students with the option to transfer to another school in their district in the first year of "school improvement." In the second year, supplemental educational services (SES or tutoring) must be provided in addition to the option to transfer. Additional sanctions apply the longer a Title I school does not make Adequate Yearly Progress.

A-4. How can we ensure that some children are not seen as a deterrent to the overall achievement of their school under NCLB?

NCLB's requirement to look at student performance by group is designed to provide information for teachers and school administrators about the needs of students. The entire school and community should be concerned if there is a group of students who are not making progress and should allocate resources and emphasis to ensure the school is taking appropriate steps to address the needs of those students. Research has shown that when only some students within a school are not achieving, it is possible for the school to effectively address those needs and ensure that ALL students are achieving.

A-5. Will the definition of AYP stay the same until 2013-14?

The definition should stay the same, unless the law changes, but the interpretation of guidance and the manner of collecting data may change.

B. Components of AYP

B-1. How is Adequate Yearly Progress determined?

To determine if a group of students, a school, district or the State has made AYP under NCLB, the following is applied:

- a) The performance of all students and groups of students, who have been enrolled in a district for a full academic year, must equal or exceed the State goal in Reading and Math, and
- b) At least 95% of all students must participate in the assessments, and
- c) The school and district must meet or demonstrate progress toward meeting a State goal for one other indicator for elementary and middle schools (NeSA-Writing, formerly referred to as the statewide writing assessments) and a State goal for a graduation rate at the high school.

Although AYP status is checked on an annual basis, a school must not meet the State goals for AYP in the same subject area and grade span for two consecutive years in order to be considered as being in need of improvement. A district must not meet the State goals for AYP in the same subject for two consecutive years in all grade levels present in the district to be considered as being in need of improvement. The subject area includes both the student performance and the participation rate.

B-2. What assessments will be used for Reading and Mathematics?

The state tests, NeSA-R and NeSA-AAR (Reading and Alternate Assessment Reading), are used for Reading. NeSA-M and NeSA-AAM (Math and Alternate Assessment Math) are used for Math. The NeSA-Writing (NeSA-W, formerly referred to as the Statewide Writing assessment) results are the “other academic indicator” required for Adequate Yearly Progress under NCLB for elementary and middle school grade spans.

B-3. What is the AYP definition of “MET” for student performance in Reading and Math?

To show progress for AYP purposes, the percentage of the students, who have been enrolled a full academic year, with a proficient performance in Reading and in Math, must equal or exceed the State goal for that grade span and subject for all students and for each of the required groups of students: all students, race/ethnicity, socio-economic status (low-income), English Language Learners, and students with disabilities. Additional information on how AYP determinations are made is found in Section E of this guidance.

B-4. How were the State Goals for AYP determined for student performance in Reading and Math?

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NCLB specifies the method for establishing the starting points for the State goals for mastery level for each subject area and grade level. The starting point must be the higher of: a) the lowest performing subgroup in the State, or b) the percent of students at mastery level in the school that represents 20% of the enrollment when all the schools are ranked from highest to lowest in performance. (All schools are ranked by subject and grade level. Starting with the lowest performing school and moving up, enrollments were added together until 20 percent of the State's enrollment for that grade was captured.)

State AYP goals for Reading and Math for 2012-13 are listed below.

	<u>Reading</u>	<u>Math</u>
Elementary	89%	84%
Middle School	90%	83%
High School	89%	80%

B-5. What are the NCLB annual measurable goals and intermediate objectives for Nebraska?

NCLB requires each State to set intermediate objectives for the goals so that the State, districts, schools and groups will reach 100% proficient by the 2013-14 school year. NCLB allows States to set the intermediate objectives at intervals that increase at least once every three years.

B-6. What is a "full academic year" and why is it included in AYP?

NCLB requires the determination of AYP of student performance to be made only for students who have been enrolled for a *full academic year* (FAY). A Full Academic Year student is defined as a student who was enrolled on the last Friday in September (the official enrollment date for the state) and also received a NeSA score.

NCLB's guidance allows a student who has had a medical emergency that prevented him/her from participating in the assessments to be excluded from AYP reporting. Before a student can be excluded for a medical emergency, the district must receive approval in writing from the Assessment Office of the Department of Education. This applies to Reading, Math, and Writing.

B-7. How is the participation rate defined?

Participation rates will be calculated based on all students enrolled as of February 1, plus any students who transfer in before the end of the NeSA testing window, less any students having one of the following Reason Not Tested codes: No Longer Enrolled (NLE), Emergency Medical Waiver (EMW), Recently Arrived Limited English Proficient (RAL), or Other (Oth). Students having a Reason Not Tested code indicating Parent Refusal (PAR), Student Absent the Entire testing window (SAE), Invalid (INV), or Not Tested (NT) will receive a zero scale score and be considered not assessed (non-participants).

B-8. What is the other academic indicator at elementary and middle schools?

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The other academic indicator for the elementary and middle schools is the NeSA-Writing (NeSA-W).

B-9. What is the State goal for the other academic indicator at elementary and middle schools?

The State goal for the other academic indicator, the NeSA-W results, at Grade 4 is 62%; at Grade 8 the State goal is 61%. (The State goal is the percent of students at a proficient level of performance.) Each group, school and district must meet the State goal to have made AYP for this other academic indicator. See Section E for information on the use of confidence intervals in determining if the State goal for the NeSA-W results has been met.

B-10. How is the graduation cohort determined?

A student is assigned an Expected Graduation Year when s/he enters grade nine for the first time. The Graduation Cohort Year (Year X) is based on the Expected Graduation Year (Student Expected Graduation Year) from students identified in grade levels 9, 10, 11, or 12 in NSSRS. If a student enters ninth grade for the first time in the spring or summer of a school year, the district must calculate the Expected Graduation Year from the fall of the school year (Year X-4). For example, the Expected Graduation Year is 2013 for a student promoted to grade level nine in the spring of the 2008-09 school year [(Year X-4) or $2013 - 4 = 2009$]. In summary, the Graduation Cohort Year [(Year X) minus four equals the fall of the school year [(Year X-4)] when a student entered grade level nine for the first time.

In the Cohort Four-Year Graduation Rate the students in the Current Graduation Cohort receiving a regular high school are the only students in the numerator. The denominator consists of all students in the Current Graduation Cohort including students receiving a regular high school diploma, General Education Development (GED) diploma or credential, certificate of attendance, certificate of achievement, or an alternative award. Other students in the denominator include: dropouts; students who continue enrollment; or students who pass the age to which the district is required to provide a free, public education. (Additional information is available in the NDE *Guidance for Graduation Cohort* document that can be found at http://www.education.ne.gov/nssrs/docs/Guidance_for_Graduation_Cohort_2_0_0.pdf)

B-11. How is graduation rate calculated?

For the 2011-12 school year, Nebraska began using the 5th year adjusted Cohort graduation rate. Beginning with the 2012-13 school year, the 6th year adjusted Cohort graduation rate will also be used. A student is assigned an Expected Graduation Year when he or she enters grade nine for the first time. The Graduation Cohort Year (Year X) is based on the Expected Graduation Year. The students who receive a regular high school diploma are the only students in the numerator. The denominator consists of all students in the cohort including students receiving a regular high school diploma, General Education Development diploma or credential (GED), certificate of attendance,

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certificate of achievement, or an alternative award. Other students in the denominator include: dropouts; students who continue enrollment; or students who pass the age to which the district is required to provide a free, public education.

The state's graduation goal is 90% and will be applied to every group and subgroup that has at least 30 students.

With the 4-year Cohort, if the 90% goal is not met, BUT the percentage of graduates increases by at least two percentage points from the previous 4-year Cohort, the goal for the Other Academic Indicator (OAI) will be met. For the 5-year Cohort, if the 90% goal is not met, BUT the percentage of graduates compared to the previous 5-year Cohort increases by three percentage points, then the graduation goal is met. For the 6-year Cohort, the Graduation Cohort must increase by 4 percentage points to be considered as meeting the goal. The 5-year Cohort will only be used if the 4-year did not meet by comparison. The 6-year Cohort will only be used if the 4-year and 5-year Cohort did not meet by comparison.

B-12. Do the State goals for the other academic indicators increase each year?

No, the State goals remain the same for writing at elementary and middle school and the graduation rate.

C. Reporting Students for AYP

C-1. What students must be included for AYP reporting and determinations?

NCLB requires all students who have been enrolled a full academic year to be included in the AYP reporting although AYP determinations are based only on groups that meet a minimum number of students. (See C-4 below) The only exceptions are the medical emergency defined in question B-6 above and the recently arrived LEP students defined in C-7 below.

C-2. What about students who are contracted to another agency or school for special education or other purposes?

They must be assessed and reported with the results at the school they would be attending based on their residence. See Who Reports What?, a guide to student and assessment reporting responsibilities for the NSSRS at:

http://www.education.ne.gov/nssrs/docs/Who_Reports_What.pdf

C-3. What happens if a parent refuses to allow a child to be assessed?

For AYP reporting, a student with a parent refusal is considered a non-participant in the assessments when determining the participation rate. See question B-7.

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C-4. What are the minimum numbers and why have these numbers been established?

The “minimum number” is the smallest number that will provide statistical reliability in making determinations about the progress reported. For Nebraska, the minimum number for statistical reliability has been defined as 30 for all groups at the school and district level based on the recommendations of the Bureau Center for Testing and the National Center for Educational Statistics (NCES). The minimum number required for public reporting of student results remains at fewer than 10.

C-5. If only groups and schools with 30 students are included in the AYP determinations, why do all the numbers have to be reported?

AYP data are aggregated up to the next level: school to district to State. AYP decisions must be made for all schools and grade spans regardless of size. See D-3.

C-6. What groups of students are included in AYP determinations?

NCLB requires schools, districts and the State to disaggregate student performance by the following groups: all students, gender, race/ethnicity, socio-economic status (low-income), English Language Learners, students with disabilities and students served in Migrant programs. Disaggregated data for gender and Migrant students are required for the State Report Card but are not included in the AYP determinations.

C-7. What students are counted as English Language Learners (ELL)?

The definition of Limited English Proficient in NCLB is as follows: an individual who has a first or home language other than English and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the State’s proficient level of achievement on State assessments, (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society.

The children to be included in the determination of AYP for the group of English Language Learners are those who meet the definition of Limited English Proficient (whether served in a specific program or not).

C-8. What students are to be included in the group of students with disabilities?

Only students identified under Section 601(c) of IDEA who have an Individualized Education Plan (IEP) are included. This includes students who qualified for Speech and Language services as well as special education students taking alternate assessments.

C-9. How are special education students assessed?

There are three levels of assessment practices for students with disabilities. The first level includes students with mild disabilities who participate in the general curriculum

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and activities on a daily basis. These students take the state and district-wide assessments in the same manner as their non-disabled peers without accommodations.

A second level includes students who take the state and district-wide assessments, but participate using individually determined accommodations. The accommodations must be consistent with the accommodations determined by the IEP team. An accommodation is a change in materials or procedures that enables students to participate in the curriculum and assessment in a way that allows their abilities and knowledge to be expressed and assessed. Some examples would be the use of large print, Braille, or extended time on assignments or assessments. Accommodations do not change what information is learned or measured, but are tools that enable a student to more readily access curricular content and to more easily demonstrate understanding of that content. Approved accommodations for NeSA are found in the "Nebraska State Accountability Approved Accommodations" document located at: <http://www.education.ne.gov/Assessment/>

The U. S. Department of Education has issued guidance regarding students with modified assessments and Adequate Yearly Progress (AYP). For reporting purposes for AYP, students who have taken modified assessments must be included in the count of students enrolled a full academic year if they have been. However, the results of modified assessments (including out-of-level tests) cannot be included in the count of proficient and the students cannot be considered to have participated in the assessments. The NSSRS collects information on whether modified or out-of-level assessments are used for Math. There are no modified assessments in NeSA. See question B-8.

A third level of students with the most severe disabilities who participate in specialized functional curriculum and activities are assessed utilizing an alternate assessment, the NeSA-AAR and the NeSA-AAM.

C-10. *Who is eligible to take the Special Education alternate assessment?*

Special Education students who should participate in alternate assessments are individuals whose disabilities are so severe that they are unable to participate in the regular curriculum and assessments even with accommodations and modifications.

The alternate assessment is appropriate for those students who participate in a specialized functional curriculum based on the alternate standards. Typically, the number of special education students who participate in an alternate assessment is less than 1% of the total student population. The IEP team determines if an alternate assessment is appropriate for a student.

C-11. *How are Special Education Students taking an alternate assessment reported for AYP?*

All students including Special Education students who participate in the alternate assessment will be included in the AYP calculations.

C-12. *What alternate assessment standards are used for reporting math and reading?*

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The NeSA-AAR will be used for Reading and the NeSA-AAM for Math. The alternate standards are extensions of the regular content standards for NCLB requirements.

C-13. What is the 1% cap regarding the alternate assessment?

Federal guidance regarding special education students states that only 1% or less of the total student population in the grade assessed may have results from alternate assessments reported at the proficient and/or advanced level. This is not a cap on the number of students who take alternate assessments but a cap on the number of scores that can be counted as proficient or advanced in AYP determinations. The Nebraska Department of Education will contact any district exceeding the 1% cap. The guidance from the U. S. Department of Education allows the State to waive the 1% cap for several criteria including small schools (REAP eligible) or communities with programs and services that draw families with students having the most severe cognitive disabilities.

C-14. What about Section 504 students?

Section 504 students can be assessed with accommodations as defined in their Section 504 plan. They are not included in the group of special education students.

C-15. What is socio-economic status (SES) and who should be included?

SES means socio-economic status. All students who are eligible for the free or reduced lunch program are included even if they do not participate in the lunch program. The U. S. Department of Agriculture and the U. S. Department of Education have issued guidance that allows the sharing of information, on an as needed basis, between the lunch program and educators in order to disaggregate data by students who are eligible for free or reduced lunches.

A joint letter of February 20, 2003 addressed the issues around schools that operate school lunch programs under Provision 2 and Provision 3 of the National School Lunch Program. These provisions allow schools that offer students lunches at no charge, regardless of individual students' economic status, to certify students as eligible for free and reduced price lunches once every four years and longer under certain conditions. Schools using Provision 2 and Provision 3 are prohibited from collecting eligibility data and certifying students on an annual basis for other purposes. The following guidance is provided in the February 2003 memo:

For purposes of disaggregating assessment data and for identifying students as "economically disadvantaged" in implementing NCLB Title I requirements for supplemental educational services and the priority for public school choice, school officials may deem all students in Provision 2 and Provision 3 schools as "economically disadvantaged". In addition, when determining Title I eligibility and allocations for a Provision 2 or 3 school, LEA officials may assume that the school has the same percentage of students eligible for free and reduced price lunches as it

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had in the most recent year for which the school collected that information.

C-16. How will the new race/ethnicity reporting requirements be applied to AYP?

The following seven race/ethnicity groups are being used for AYP purposes.

NEW REPORTING CATEGORY
HI – Hispanic
AM – American Indian/Alaska Native
AS – Asian
BL – Black or African American
PI – Native Hawaiian or Other Pacific Islander
WH – White
MU – Two or More Races (other than above)

C-17. Do the State Accountability Requirements and AYP apply to nonpublic schools or home schooled students?

No. However, students receiving services in nonpublic schools through Title I have program specific requirements regarding measuring student performance.

D. Reporting Data to the State

D-1. How are schools that have no grades at the assessment level (i.e., K-2 buildings) being held accountable under NCLB's AYP?

They are being included with the schools to which their students would attend. Pre-kindergarten schools are not included since pre-kindergarten is not required.

D-2. How will small schools and districts (those with no groups of at least 30 students) be held accountable under AYP?

If the district has any grade span that has no group of 30 (now called a very small district), scores of students across all buildings will be aggregated to produce a percent proficient at the district level. Whenever data are aggregated for very small schools, the AYP goal of the grade span contributing the greatest number of students to the aggregated data will be used to make the AYP decision and that decision will be applied to all the grade spans included. The 99% confidence interval will be used with all very small schools and grade spans.

If the district consists of multiple very small schools at the same grade span, the AYP decision made for the aggregated data when determining district level AYP for that grade span will be applied to all of the schools at that grade span.

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For any grade span with no groups of 30, data from the previous and the current year will be combined. If the combined data provides a group of at least 30 students, the school or district is no longer considered a very small school or district.

D-3. *What is the guidance for including English Language Learners for AYP?*

All English Language Learners must be included in the AYP reporting. Guidance from USDE requires districts to include recently arrived students (formerly called new immigrants) enrolled in a U. S. Public School for less than 12 months, in the assessment of reading*, math and science and count them for participation, but the district may elect not to include these Reading assessment results for AYP purposes.

*A language proficiency test may be counted towards participation for AYP as the Reading assessment for the recently arrived students only. This information will be collected at the time of testing with NeSA.

E. AYP Determinations

E-1. *How is AYP determined?*

The following procedure will be used to make the annual AYP determinations. A complete set of business rules and diagrams of the AYP procedure can be found on the State of the Schools Report using the tab at the top of the page Links →Data Download→ Diagrams and Instructions for AYP.

Indicators used for AYP:

Student Performance

A determination of whether Reading and Mathematics student performance results for all groups of students has met the State goal for that subject using a 99% confidence interval for each group that contains at least the minimum number of 30. (See next question for information on confidence intervals)

Participation Rate of 95%

The number of students who are assessed (see B-8)

Other Academic Indicator

- a) Elementary and middle schools – A determination of whether Statewide writing results meet the State goal using a 99% confidence interval.
- b) Graduation rate at high school – a determination of whether the four year cohort graduation rate meets the State goal of 90% or makes a gain of at least 2 percentage points from the previous year. (See B-11)

E-2. *What are confidence intervals?*

A confidence interval is a statistically developed range of possible scores that replace the single score (percent proficient) to determine if the State goal was met. Confidence

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intervals are similar to the “sampling error” notation that accompanies the results of a survey or poll (i.e., $\pm 4\%$). The range of possible scores is dependent upon the size of the group involved. The results of a large group are more likely to be more accurate in reflecting the real progress made than the results for a small group of students. A confidence interval will be applied to Reading, Mathematics and Writing (other academic indicator) results for each group, school and district (meeting the minimum number of 30 students) using a formula that involves both the size of the group and their score (percent proficient).

E-3. Why the use of confidence intervals?

Confidence intervals increase the likelihood that appropriate AYP decisions are being made about the progress of a group of students, school or district. The results reported one year might not be representative of the students in the same situation across other years. The confidence intervals are used to reduce the possibilities that a group, school or district was misidentified. A 99% confidence interval, in essence says, that we are 99% sure that the progress reported appropriately reflects the group, school or district.

The Safe Harbor procedure uses a 75% confidence interval since it will be applied to the “difference” between the current year percent of student performance below proficiency and that of the previous year. Safe Harbor is further defined below.

E-4. What is the Safe Harbor provision of NCLB?

Any group that does not meet or exceed the State goal for student performance but has decreased the percentage of students performing below mastery, from the previous year, by at least 10% and meets the participation rate and the other academic indicator is considered to have made Adequate Yearly Progress. A 75% confidence interval will be used to ensure that the Safe Harbor decisions are made appropriately.

When a group has more than the minimum number (30) for Reading and Math results but has less than 30 for the Statewide Writing assessment, the writing results of the current and the previous year will be averaged and the participant counts will be aggregated.

For the 2012-13 AYP Calculations

- Due to technical issues during the administration of 2012-13 grade 8 NeSA Writing, results will **NOT** be used to calculate **Writing performance** so there will be no AYP decision for this “Other Academic Indicator” in 2012-13. AYP decisions will be based on Reading and Math performance and participation.
- This “Other Academic Indicator,” (8th grade Writing) is used to determine eligibility for the Safe Harbor provision. For 2012-13, if the number of participants in 8th grade Writing is ≥ 30 in any group/subgroup, then that group/subgroup will be considered eligible for Safe Harbor.
 - Participants on the NeSA Writing from 2011-12 & 2012-13 may be added together to determine Safe Harbor eligibility if participants are not ≥ 30 in 2012-13 alone.

For the 2013-14 AYP Calculations

- **Continuous progress for AYP decisions for Grade 8 Writing performance *starts over in 2012-13* for ALL groups/subgroups.**
 - *For 2013-14, the process for determining eligibility for Safe Harbor will be the same as in 2012-13 since there will not be Writing results available for those schools that need two years of participants to reach at least 30.*

The U. S. Department of Education has determined that each subgroup must be eligible for Safe Harbor. **Each subgroup must have met the participation rate and the performance for the other academic indicator as well as having decreased the percentage of students performing below mastery.**

E-5. How are the AYP determinations available for preview?

The State of the Schools Report (SOSR) Preview 2012-13 provides districts with an opportunity to see how their data will appear on the State of the Schools Report (SOSR) before it is open to the public. The SOSR Preview site is accessible only through the NDE Portal so it is not available to the public.

The preview of AYP decisions for Title I schools and districts, if identified as being in need of improvement, allows districts to meet the NCLB requirements such as notifying parents, budgeting for supplemental educational services providers and public school choice. Any Title I school or district that has been identified as being in need of improvement will receive additional guidance from the Title I office.

During the review window, some information is provided that does not appear when the State of the Schools Report is opened to the general public.

E-6. How is AYP determined at the school level?

To make AYP, the school must have met the State goals and participation rates for Reading and Mathematics in all groups with at least 30 students, and met the other academic indicator for the grade levels included in the school. The Federal AYP Accountability rating on the State of the Schools Report will be a "MET".

A "NOT MET" in any of the above indicators earns a "NOT MET" for the school on the Federal Accountability on the State of the Schools Report. For any Reading or Math results that do not meet the State goal, the Safe Harbor provision (as described above in Question E-4) will be used. If the results of applying the Safe Harbor indicate sufficient progress was made and the participation rate goal was at least 95%, the group will earn a "MET."

A school is identified as being in "NEEDS IMPROVEMENT" if it has a NOT MET, in any subgroup, in the same indicator, as defined in Question E-1 above, for two consecutive

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years. For Reading and Mathematics, the indicator includes both the student performance and the participation rate.

E-7. How is AYP determined for Districts?

Data from every building are aggregated to the grade spans of the district (elementary, middle and high school) and the AYP determinations are made on this data in the same manner as is done at the school level.

A “NOT MET” in any of the indicators, as defined in Question E-1 above, earns a “NOT MET” for the Federal Accountability on the State of the Schools Report.

Two consecutive years of not making AYP in the same indicator (subject area) in all of the grade levels present in the district will cause the district to be identified as being in need of improvement. Safe Harbor, as described above, will be used with the aggregated district data in making the AYP determinations.

A district could have buildings that have met all the AYP determinations but when the data are aggregated (added up) across all buildings, the district may not have met AYP.

E-8. How will consecutive years of progress be determined when a school or district changes?

For determining the consecutive years of progress needed for identifying schools and districts as being in need of improvement, the school or district will be considered “new” and starting the process over when:

School changes:

- a) A non-Title I building becomes a Title I building
- b) The grade configuration changes by two or more grade levels that include grades being reported for NeSA assessments.
- c) The enrollment of the building increases or decreases by at least 60% from the previous year.
- d) When a district unifies, merges, separates, etc., “starting over” may be considered.

E-9. What is the appeal process?

Districts will have an opportunity to review the data and the AYP decisions before it appears on the final State of the Schools Report using the SOSR Preview. Section 1116(b)(2) of No Child Left Behind provides an appeal process and timelines for schools and districts regarding AYP decisions. A school may appeal an AYP status decision to the district based on objective factors the school considers relevant, such as such significant demographic changes in the student population, errors in data or other significant issues. The district has 30 days to respond. The district may appeal an AYP status decision to the State during the preview window, based on objective data, and the State must make a final determination within 30 days of the date of appeal. **An appeal for AYP must address issues found with the AYP process and not the data that was submitted.**

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F. Sanctions

- F-1. Are there Federal sanctions for Title I schools and districts that are identified as needing improvement?*

Yes, *No Child Left Behind* has specific requirements for Title I schools and districts that have consecutive years of not making Adequate Yearly Progress and are identified as being in “Improvement” status. Information regarding the requirements is available on the Title IA School Improvement web page (http://www.education.ne.gov/federalprograms/Title_1_Part_A_SIG.html). The Title I Office will contact the district and provide additional information.

- F-2. Are there funds for helping schools that are identified as needing improvement?*

Title I funds are available for Title I schools. These are known as Accountability Funds and districts will receive information from the Title I Office about the application process and guidance on use of these funds.

G. Reporting AYP to the Public on the Report Card

- G-1. How will AYP status be reported to the public?*

Federal Accountability is one component of the State of the Schools Report. Each school, district, and the state will have a Federal Accountability (AYP) status. A school or district will have one of the following AYP Status decisions:

MET – all AYP goals have been met;

NOT MET – not all AYP goals have been met but not in the same subject area and grade level for two consecutive years;

NOT MET, IMPROVEMENT SHOWN – since this decision is a comparison of two consecutive years of progress, this decision indicates that the school or district made AYP in the current year but not in the previous year

NEEDS IMPROVEMENT – a NOT MET for two consecutive years in the same subject area at all grade levels present.

The State of the Schools Report includes the list of schools and districts that did not make AYP for two or more consecutive years and have been identified as being in need of improvement.

- G-2. What information/data are districts required to report to parents or the public?*

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Districts are required, under NCLB, to provide reports to the public that include all of the information listed below. The PROFILE function added to the State of the Schools Report makes this information available at the school or district level. Districts are strongly encouraged to use the State of the Schools Report to meet this NCLB requirement.

Required Data Elements for State Report Card from Section 1111(h)(1)(C) of NCLB:

1. Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).
2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each of the academic assessments.
3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
4. The most recent two-year trend in student achievement in each subject area, and for each grade level, for the required assessments.
5. Aggregate information on any other indicators used by the State to determine the Adequate Yearly Progress of students in achieving State academic achievement standards disaggregated by student subgroups.
6. Graduation rates for secondary school students disaggregated by student subgroups.
7. Information on the performance of local educational agencies in the State regarding making Adequate Yearly Progress, including the number and names of each school identified for school improvement under section 1116.
8. The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

Districts using Title I, Part A funds are required to provide individual reports of student progress on standards to parents of all children in Title I schools – both schoolwide

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and targeted assistance projects. Districts or schools that have been identified as being in need of improvement have additional reporting requirements that are included in the information sent by the Title I Office.